

**Minutes of Meeting
Grafton Planning Board
April 9, 2012**

RECEIVED TOWN CLERK
GRAFTON, MA
APR 26 10 02 AM '12

A regular meeting of the Grafton Planning Board was held on April 9, 2012 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Bruce W. Spinney III, Vice-Chairman Stephen Qualey, Clerk James Walsh III, Robert Hassinger, David Robbins and Associate Member Sargon Hanna. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Spinney called the meeting to order at 7:00 p.m. and received unanimous consent to take the agenda items out of order while waiting for Mr. Walsh to arrive.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Qualey, **SECOND** by Mr. Hassinger, to approve the open session meeting minutes of March 26, 2012 as drafted. **MOTION** carried unanimously 4 to 0.

STAFF REPORT

Mr. Bishop brought to the Board's attention a request from the Board of Selectmen to have a representative from the Planning Board be present at their April 10th meeting for their discussion of the Chapter 61A proposal for 104 Creeper Hill Road.

Mr. Bishop also noted that with regard to the Zoning By-Laws proposals for Section 4.4.3.2.12 CEVMS and Section 4.4.4.1 Temporary Signs, there is a public hearing scheduled for April 23 at 7:30 p.m. Mr. Bishop pointed out that the public hearing is exactly 21 days prior to Town Meeting, which meets the State law provision of 21 days for a recommendation to be issued in order for the article to be rightfully before the Town at Town Meeting. The Board discussed the problem of zoning proposals not being submitted in time, suggesting at least 90 days, to allow for the proper timeline of scheduling public hearings, discussions, changes/corrections and Planning Board recommendations.

Mr. Walsh joined the Planning Board at 7:08 p.m.

Mr. Bishop suggested the Board discuss who will be attending the Board of Selectmen's meeting regarding their discussion on 104 Creeper Hill Road, adding they would like a representative there to comment on why the Planning Board is recommending the Town consider purchasing this land. Mr. Qualey and Mr. Walsh stated they would represent the Planning Board at the meeting.

Chairman Spinney received unanimous consent to take ACTION ITEM I-A out of order.

**ACTION ITEM 1-A – CONSIDER DECISION – SP 2012-2 JAMES FLAGG, D/B/A
EMERGENCY TEMPORARY HOUSING, LLC – 129 FERRY STREET**

The Board noted various scrivener's errors within the decision to be corrected.

MOTION by Mr. Robbins, **SECOND** by Mr. Walsh, to make favorable Findings for F-1 through F-22, with the correction noted in Finding F-11. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Walsh, **SECOND** by Mr. Hassinger, to make favorable Findings for F-23 through F-35. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to grant Waiver W-1.

DISCUSSION: Mr. Hassinger suggested there should be more language added to clarify why the waiver has been granted. The Board requested Waiver W-1 include referencing to Findings F-8 and F-16 for clarification.

AMENDED MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to grant Waiver W-1 with the corrections noted. **MOTION** carried unanimously 5 to 0.

MOTION by Mr. Qualey, **SECOND** by Mr. Robbins, to grant Special Permit SP 2012-2 with the Findings and Conditions as discussed and amended. **MOTION** carried unanimously 5 to 0.

Chairman Spinney received unanimous consent to declare a 10 minute recess in the meeting to allow Mr. Walsh to prepare additional materials for the public hearing.

ZBL 2012-1 PROPOSED AMENDMENT TO THE ZBL – AMEND SECTION 3.2.3.1 & ADD SECTION 2 – DEFINITIONS – BACKYARD CHICKENS – PROPOSED BY GRAFTON AGRICULTURAL COMMISSION

Mr. Walsh read the legal notice and Chairman Spinney opened the public hearing.

Mr. Walsh, representing the Grafton Agricultural Commission, informed the Board that the proposed amendment is to allow Residential R-20, Residential R-40 and the Agricultural zoning districts to raise up to 6 chickens on their property by right. Mr. Walsh added that the main intention of this amendment is to specifically eliminate the financial burden of the currently required special permit process and all associated fees. Mr. Walsh also wished to clarify the 6 chickens are for the raising of hens or chicks, no roosters, for pleasure, eggs or consumption; and are not allowed in the remaining zoning districts, including all multi-family districts, without a special permit.

Mr. Walsh noted that more than 6 chickens in the Residential zoning districts would also require the special permit process; and that all of the state and local laws regarding the care of animals, abutters, the Conservation Commission, the Board of Health, Animal Inspector, etc. remain in full force for all aspects of this By-Law.

Lori Mahassel of 22 Meadowbrook Road expressed support for the Board to endorse this proposed amendment, noting that she has had a very rewarding experience raising chickens on her property.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing.

DISCUSSION: Mr. Walsh wished to point out that since roosters are not allowed, if any of the chicks turn out to be a rooster, they would have to be given away or sold in order to be within the protection of the proposed by-law.

MOTION carried unanimously 5 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a report on behalf of the Planning Board.

DISCUSSION: Mr. Hassinger stated there should be two parts to the report; the first showing how the Planning Board speaks to the workability of the by-law, making sure the language and the intent of the purpose of the by-law is clear; and secondly to demonstrate if the Planning Board has a policy position as to whether this is a good idea. The Board agreed that if they were favorable with the proposed amendment people would be more receptive at Town Meeting; but if the Board did not endorse the by-law there could be significant implications. Mr. Bishop suggested the Board take a vote for the record and the report and that he would email a draft copy to the Board members for their consideration and approval.

Chairman Spinney received unanimous consent to recommend the Proposed By-law for approval by roll call vote: Qualey-aye, Hassinger-aye, Spinney-aye, Robbins-aye, Walsh-aye.

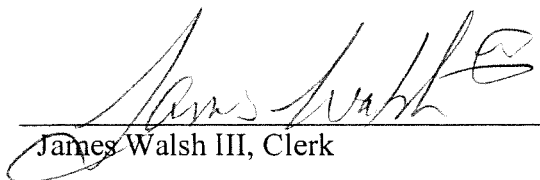
MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 7:47 p.m.

EXHIBITS

- **Action Item 1A: Consider Decision – SP 2012-2 James Flagg, d/b/a Emergency Temporary Housing LLC, 129 Ferry Street**
 - Draft Special Permit and Site Plan Approval Decision, dated April 6, 2012, 13 pages.
- **Item 3: Staff Report**
 - Memorandum from the Town Administrator, Recommended Sign By-Law Revision, May Town Meeting; dated and received March 28, 2012, 1 page including the following attachment:
 - Draft warrant article language, Section 4.4.3.2.12, Changeable Electronic Variable Message Signs (CEVMS), no date, 1 page.
 - Draft warrant article language, Section 3.2.3.1 – Use Regulation Schedule: Accessory Uses / CEVMS, no date, 1 page.
 - Draft warrant article language, Section 4.4.4.1 – Organization, Section 1: Nonprofit Organization, Section 1: Profit Organization, 1 page.

- Draft warrant article language, Section 2: Definitions – Temporary Sign; Nonprofit organization.
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, March 26, 2012, 8 pages.
- **Item 6: Correspondence**
 - Memorandum from the Town Administrator, 2nd Infrastructure Improvement Meeting, dated April 3, 2012, received April 4, 2012, 1 page.
 - Email Correspondence from the office of the Town Administrator, 104 Creeper Hill Road, received April 6, 2012, 1 page.
- **Public Hearing 9A:**
 - Memorandum from the Town Administrator, Warrant Article, dated February 13, 2012, received February 14, 2012, 1 page, with following attachment:
 - Memorandum from the Agricultural Commission, Chicken Raising By Right By-Law Article, no dated, received February 13, 2012, 1 page.
 - Memorandum from the Conservation Commission, Proposed Amendment Zoning By-Laws – Backyard Chickens, dated and received April 4, 2012, 1 page.



James Walsh III, Clerk